

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

WILLIAM DUANE GARLAND

PLAINTIFF

v.

Civil No. 06-5168

RANDAL DENZER;
SHERIFF TIM HELDER;
and SGT. LUTHER

DEFENDANTS

REPORT AND RECOMMENDATION OF THE MAGISTRATE JUDGE

William Duane Garland filed this pro se civil rights action pursuant to 42 U.S.C. § 1983 on September 15, 2006. His complaint was filed in forma pauperis (IFP).

On November 21, 2006, an order was entered (Doc. 6) directing the plaintiff to complete, sign, and return a questionnaire that would be filed as an addendum to his complaint. The addendum was to be returned by December 15, 2006.

No mail has been returned to the court as undeliverable. According to the website maintained by the Washington County Sheriff's Office, William Duane Garland is currently incarcerated at that facility.

Plaintiff has not sought an extension of time to file the addendum. Plaintiff has not communicated with the court in anyway.

I therefore recommend the plaintiff's claims be dismissed on the grounds he has failed to prosecute this action and comply with the order of the court. *See* Fed. R. Civ. P. 41(b). **Mr. Garland has ten days from receipt of the report and recommendation in which to file written objections pursuant to 28 U.S.C. § 636(b)(1). The failure to file timely objections**

may result in waiver of the right to appeal questions of fact. Mr. Garland is reminded that objections must be both timely and specific to trigger de novo review by the district court.

DATED this 26th day of January 2007.

/s/ *J. Marschewski*

HON. JAMES R. MARSCHEWSKI
UNITED STATES MAGISTRATE JUDGE